

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

IRVING MURRAY (PRO-SE),  
(PLAINTIFF)

CIVIL ACTION

NO. 3:17-CV-0491

VS.

JURY TRIAL DEMANDED

JOHN E. WETZEL (ET AL.)  
(DEFENDANTS)

(JUDGE CONABOY)

DATED: 12 / 25 / 2017

MOTION FOR IMMEDIATE COURT'S  
INVOLVEMENT DUE TO MEDICAL AND  
THEIR AGENTS / DEFENDANTS ACTING  
IN CONCERT RETALIATORY CONDUCT  
PLAINTIFF REQUEST EMERGENCY  
RELIEF AND FUTURE DAMAGES  
AS A DIRECT RESOLUTION  
COMBINED BRIEF IN SUPPORT OF  
THIS EMERGENCY MOTION

And now, comes Plaintiff, Irving Murray  
with this Emergency Motion Compelling  
that this Court take immediate action  
against medical Defendants and those acting  
in concert with acts of unlawful retaliation  
Plaintiff is in dire need of this Court's  
immediate involvement. Correct Care Solutions  
employees under contract working here at  
the State Correctional Institution Mahanoy

are still following and defending risk-stratification and Interim Protocols

in conjunction with now those acting in concert with defendants are retaliating both Dr. Courtney Rogers and

deputy Superintendent B. Mason.

John Steinhart, Jessica Carey a non-defendant, S. Kaunum DR., K. Murray and Brenda Houser, Lieutenant Newberry C.O.B.

1. Even though it is very clear that that the Defendants and those all acting in concert still using illegal policies that have been deemed unconstitutional as defendants admits boldly that they will not administer medications for inmates with chronic Hep-C., also now those acting in concert are now retaliating making threats to transfer plaintiff, placing plaintiff in Administrative lock-up for filing legitimate complaints of physical assaults upon his persons on November 9th 2017, writing bogus Act/status report in order to keep plaintiff locked down 23 hours a day on Administrative custody status

PLAINTIFF'S FACTUAL ARGUMENT

on December 9th, 2017, approx: 11:10am plaintiff was vomiting blood in his cell on BA-R.T.U. cell # 2063, and reported this to officer Smith on duty, officer Smith came to plaintiff's cell and opened up the cell door to see as to if plaintiff was actually vomiting blood as the officer clearly verified such and rushed down the steps to pick-up the phone to call medical, after his conversation on the phone with the nurse in which officer Smith C.O.1 said that the nurse told him to tell me/plaintiff that there's nothing that they can do for me and to fill out a sickcall and maybe plaintiff will be seen in a few days officer Smith asked the nurse aren't you gonna examine him and take his vitals officer Smith was told "no" that they don't care or have time for plaintiff murray because plaintiff likes to file things to the media and the courts. tell him to put in a sickcall.

Plaintiff asked officer Smith C.O.1 what was the nurses name he was on the phone with? C.O.1. Smith said that he don't know and couldn't tell me.

Plaintiff then decided to submit a DC-138A-Sick call Request only to be see by Physician's Assistant Russell Miller and ~~Physician~~ Assistant Miller on Friday December 15th, 2017, examined plaintiff for blood in his stool and ordered meds for constipation and severe dry skin the vitamin E Lotion was ordered, and Miralax only to turn around and tell plaintiff that the medications were not ordered because Dr. Courtney Rodgers discontinued them and Ordered PAE-miller to do not order plaintiff murray any meds per- Dr. Courtney Rogers when plaintiff asked Physician Russell Miller as to why R. Miller clearly stated because Doctor Courtney Rogers stated that plaintiff gets nothing because of that damn Lawsuit he filed and because he attached that damn Human Rights Coalition Letter dated March 14th 2017 on to his Sick call slip. and plaintiff was charged 5-to-10 dollars for a chronic care pre-existing

conditions and was not given any meds for severe constipation causing plaintiff pain and suffering and severe dry cracked bleeding painful skin condition see exhibits of sick call whereas Dr. Courtney Rodgers threatened to also discontinue plaintiff's seizure meds forcing plaintiff to sign a non-medication compliance form on December 20th, 2017. Subjecting plaintiff a life-threatening sleeping seizures ordering all his medical staff not to order plaintiff any K.O.P meds for his pain in his shoulder, his skin condition or his severe constipation and severe weight loss Subjecting him to "Death". Also with defendants and those acting in concert discontinuing all of my seizure medication Phenobarbital in retaliation because of my litigation on trying to seek Direct Anti-viral Drugs life saving Medications for Hep-C. as I'am denied the formulary list of available drugs for treating Hepatitis-C by Doctor Rogers as he's provided me exaggerated responses in plaintiff's written form DC-135A Inmates Request to staff member see exhibit \_\_\_\_\_ of his reply attached hereto, this motion.

Plaintiff is seeking immediate help from the court.

It is quite clear that plaintiff is Dealing With Retaliation here.

as adverse action has and still is being taken against the plaintiff as plaintiff as it's evident that plaintiff was placed in administrative segregation on

on November 9th, 2017, for simply making an legitimate complaint of physical assault by his cellmate. solely to punish me for

filing a lawsuit. see, Cleggett v. Pate, 229 F. Supp. 818 (N.D. Ill. 1964). "campaign of harassment" Calhoun v. Hargone, 312 F.3d 730 (5th Cir. 2002); Witte v. Wisconsin,

Dept. of Corrections, 434 F.3d 1031 (7th Cir. 2006).

Gomez v. Vernon, 255 F.3d 1118 (9th Cir. 2001).

It is possible -- but not easy -- to get a preliminary injunction to keep correctional officers from threatening or harming you or any of your witnesses in an upcoming trial.

Valvano v. McGrath, 325 F. Supp. 408

(E.D. N.Y. 1970). It is also a federal crime for state actors or those acting in concert (the Prison-officials) and (inmates) to threaten or assault witnesses or plaintiff in federal litigation.

18 U.S.C. § 1512(a)(2).

## Retaliatory Conduct

(A). Although state officials vehemently deny it, prisoners who speak out against prison conditions through media contacts, civil rights lawsuits, or internal grievances are often subject to retaliatory conduct. This can range from annoying strip cell searches and denial of prison services to matters of a more serious nature, including Bogus misconduct administrative custody reports, prison retaliatory transfers, and parole rejections recommendations. In case ABU-Jamal v. Price, the Third Circuit court found that SCI-Greene Prison officials' opening reading and copying of confidential attorney-client mail of a former journalist mounting public pressure to do something about his writings was a constitutional violation. 154 F.3d 128, 134 (3d Cir. 1998). In Castle v. Clymer, the district court held that SCI-Dallas Prison officials were liable for the retaliatory prison transfer of a who made statements about prison conditions to the media. 15 F. Supp. 2d 640, 666 (E.D. Pa. 1998). Other federal courts have found similar constitutional violations, suggesting that retaliatory conduct is a far

greater problem than state officials concede, See Trabough v. Hall, 176 F.3d 1087 (8th Cir. 1999). holding that (prison officials liable for confining prisoner in isolation cell for filing grievances); Goff v. Burton, 91 F.3d 1188 (8th Cir. 1996) (prison officials liable for threats of retaliatory prison transfer of prisoner who brought civil rights action and injunction claiming overcrowding conditions) See, Milhouse v. Carlson, 652 F.2d 371, 373 (3d Cir. 1981) (conspiratorially planned disciplinary actions); Ferranti v. Moran, 618 F.2d 888, 892 (1st Cir. 1980) (denial of transfer and medical care); Plaintiff also adds That The Pennsylvania Department of Corrections (DOC), by policy and practice both "Risk-stratification" and Hepatitis-C Interim Protocols systematically denies necessary care medical care for inmates like plaintiff diagnosed with fibrosis-1 (F-1) with chronic Hepatitis C viral infections, thereby placing plaintiff intentionally at substantial and unnecessary risk for severe illness and death. See, Salvatore Chimenti v. Pa. Department of Corr. civil action No. 15-3333 / 2:15-cv-03333 JP.



yet the DOC and CCS rations these drugs in an arbitrary manner, and as of today and ongoing refuses to provide DAAD treatment to over 98% of inmates with chronic Hepatitis C in the Pa. DOC. The denial of these drugs is based (solely on their "cost") and without any medical justification. Plaintiff, Irving Murray, incarcerated in the Pennsylvania Dept. of Corrections with serious health complications stemming from Hepatitis C viral infections. The Defendants have repeatedly refuse to provide necessary medical treatment as well as a liver biopsies and Altrasound of the liver to plaintiff that is mandated by prevailing community medical standards and the constitutions and laws of the United States and Pennsylvania. Defendants DOCS Policy is without any doubt discriminatory and unconstitutional policy for treating Hepatitis C infections.

## RELIEF SOUGHT/REQUESTED

Due to the ongoing constant violations of plaintiffs constitutional rights as described herein this motion plaintiff seeks as follows:

1. Punitive Damages.
2. Compensatory Damages
3. DIRECT ACTING ANTI-VIRAL DRUGS
4. WHATEVER THE COURT DEEMS JUST AND EQUITABLE.

EXHIBITS ATTACHED NEXT PAGE

Description of exhibits: (A-thru-K)  
Letters, DC-135A REQUEST TO STAFF  
Responses,

Being mailed to the clerk of  
court Peter J. Welsh, Esq.  
with a Certificate of service  
attached after Exhibits A-thru-K  
see total of 11 pages of exhibits  
next page(A-K).

EXHIBIT  
A



Human Rights Coalition  
4134 Lancaster Avenue  
Philadelphia, PA 19104  
www.hrcoalition.org

Irving Murray KP 3561  
SCI-Mahanoy 301 Morea Road  
Frackville, PA 17932  
Date: March 14, 2017

Dear Mr. Murray:

Thank you for your correspondence. Your commitment to your people and Brother Mumia is admirable and, of course, shared by HRC.

In regards to your request for investigation we have a few follow up questions to ask and, some answers of our own.

First, SCI-Mahanoy's Superintendent Theresa DeBalso is another person to contact regarding this. If you can connect us with any loved ones or family on the outside, we can advise them on how to contact and what can be said during a conversation with Superintendent DeBalso. If you could send us their name and number and share our contact information with them, we can set up that conversation.

We are also ready and willing to contact DeBalso and others on your behalf IF we have your permission to use your name and number in those requests. We must remind you of what you undoubtedly already know, that after we place pressure on DeBalso things may get worse for you before they get better. On the other hand, conditions also may get better before they get worse. This is a decision only you and yours can make.

Second, Mumia recently had a federal judge rule in his favor that Pennsylvania DOC must administer the hep-C antiviral medication. At this junction, one must ask if our and your efforts are not better placed elsewhere. Your dedication to justice is fierce and no doubt can be useful in other manifestations of prison abuse.

We have the documents you sent to, and per your request, will send them back to you with this letter. Please forward response to the address at the top of the page with Attention: Support Committee.

In Solidarity,

Human Rights Coalition

P.S. MR. MURRAY, ENCLOSED YOU WILL FIND YOUR DOCUMENTS, AS WELL.

DOCUMENTATION TO COURT/CHRONIC-CARE REQUEST  
WITH COPY OF SICK CALL  
AS PROOF OF DENTAL  
SICK CALL  
RE: SEIZURE MEDS ETC.

PRE-EXISTING ISSUES  
SICK CALL REQUEST  
SEIZURE MEDS/PAIN MEDS/HERC

DENTAL MEDICAL ✓  
AS - PER RN. KIM MURRAY'S  
REQUEST TO SIGN UP FOR SICK CALL  
PROBLEM I'D LIKE TO RE-ADDRESS  
CONCERNS THAT WAS NOT ADDRESSED AT  
MY LAST CHRONIC CARE CLINIC TO DISCUS  
BEING PLACED BACK ON MY PAIN MEDS  
FOR STOMACH PAINS, HEADACHES, SHOULDER PAIN  
FROM THE FALL OFF OF MY TOP BUNK, ALSO TO  
DISCUS MED ISSUE WITH MY PHENOBARBITOL  
AND TO HAVE MY KOP STATUS RESTORED  
ALSO MY SEVERE DRY SKIN AND CHRONIC  
CONSTIPATION AS I WAS DENIED BY DR.  
KHAMUM, IN RETALIATION BECAUSE OF MY  
PENDING HEP-C LITIGATION IN COURT PER-  
CIVIL ACTION 3:17-CV-00491 I AM DENIED PER-  
DOCS POLICIES INTENDY PROTOCOL 13.8.2. POLICY  
UNDERSTAND THAT THIS SICK CALL VISIT MAY BE SUBJECT TO  
THE FEES CONTAINED IN REGULATION 37 PA CODE 93.12.SEC

FILL OUT SHADED SECTIONS OF THE ATTACHED CASH SLIP:  
REQUISITIONING INMATE'S NAME, INSTITUTIONAL NUMBER,  
LOCATION, & DATE. SIGN IN THE INMATE'S SIGNATURE SECTION.

PLACE THIS REQUEST IN THE LOCKED MEDICAL SICK CALL BOX  
ON THE HOUSING UNIT.

CC: U.S. DIST. COURT CLERK  
ATTORNEY BRET D. GROTE, ESQ.  
MAY 2016 U.S. DEPT. OF JUSTICE

CC: U.S. MID. DIST. COURT JUDGE  
DOCS CHIEF COUNSEL/CCS-ATTY'S  
BUREAU OF OCCUPATIONAL AFFAIRS

DC-138A		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
CASH SLIP CC: JUDGE R. CONABOY PETER J. WELSH, ESQ. HUMAN RIGHTS COALITION/ DISABILITY RIGHTS NETWORK		INMATE MUST COMPLETE SHADED AREAS PRIOR TO PLACING SICK CALL SLIP IN BOX	
1. REQUISITIONING INMATE'S NAME IRVING MURRAY			
INSTITUTIONAL NUMBER # KP3561	LOCATION BA-63411	DATE 12-14-17	
2. ITEMS TO BE CHARGED TO MY ACCOUNT			
Inmates are required by DC-ADM 020 to share in the cost of medical/dental services. Cash slips requires signature in order to be seen by the practitioner.			
\$ Co-Payment fee \$5.00 for medical/dental services (Health Provider determination charge)		\$ Number of prescriptions x \$5.00	
\$ Co-Payment for each prescriptions		\$ Total Co-Payment fee to be deducted from Inmate's account.	
3. INMATE'S SIGNATURE Irving Murray		4. MEDICAL STAFF SIGNATURE	
5. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$	DATE	BOOKKEEPER	

R. CONABOY  
SAMUEL H. FOREMAN, ESQ.

EXHIBIT  
E

Form DC-141 Part 1

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

B 965061

Rev 8/05

☐ MISCONDUCT REPORT ☒ OTHER ☐ DC-ADM 801 INFORMAL RESOLUTION

DC Number <b>KP3561</b>	Name <b>MURRAY, IRVING</b>	Institution <b>MAH.</b>	Incident Time 24 Hr. Base <b>N/A</b>	Incident Date <b>N/A</b>	Date of Report <b>11/9/17</b>
Quarters <b>HD 21</b>	Place of Incident <b>N/A</b>				

## OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)

DC Number	Name	I	W	DC Number	Name	I	W

## MISCONDUCT CHARGE OR OTHER ACTION

*"Notice of Confinement"*

## STAFF MEMBER'S VERSION

*You are being placed in AC status per DC ADM 802 VI B 1 F "THE INMATE IS UNDER INVESTIGATION FOR A VIOLATION OF FACILITY RULES AND THERE IS A NEED FOR INCREASED CONTROL PENDING DISPOSITION OF CHARGES OR COMPLETION OF INVESTIGATIONS."*

*"THIS IS NOT DISCIPLINARY CUSTODY."*

## IMMEDIATE ACTION TAKEN AND REASON

PRE-HEARING CONFINEMENT		<i>Inmate confined to the RHH, AC status, pending investigation and/or review by PNC</i>	
IF YES	DATE	TIME	
<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	

REQUEST FOR WITNESSES AND REPRESENTATION	INMATE'S VERSION
<i>N/A</i>	<i>N/A</i>

REPORTING STAFF MEMBER SIGNATURE AND TITLE	ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY SIGNATURE AND TITLE	DATE AND TIME INMATE GIVEN COPY
<i>COIT J. B. - / BACHERT</i>	<i>[Signature]</i>	DATE: <i>11-9-17</i> TIME 24 HOUR BASE: <i>2035</i>

YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE TIME	MISCONDUCT CATEGORY	Signature of Person Serving Notice
<i>N/A</i> <i>N/A</i>	<i>N/A</i> CLASS 1 <i>N/A</i> CLASS 2	<i>[Signature]</i>

## Notice To Inmate

You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say shall be used against you both at the misconduct hearing and in a court of law, if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you shall be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have shall be revoked.

WHITE — DC-15 YELLOW — Inmate PINK — Reporting Staff Member GOLDENROD — Deputy Superintendent Facility Management

EXHIBIT  
B

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Form DC-135A

(S.G.E.M.)  
INMATE'S REQUEST TO STAFF MEMBERCommonwealth of Pennsylvania  
Department of CorrectionsMEDICAL DIRECTOR  
MEDICAL DOCTOR

## INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

DR. COURTNEY ROGERS

2. Date:

DECEMBER 12TH, 2017

3. By: (Print Inmate Name and Number)

IRVING MURRAY #KP3561

4. Counselor's Name

MR. MARINO

5. Unit Manager's Name

MS. J. CAREY

RECEIVED

DEC 11 2017

SCI-Mahoney

Health Care Administrator

6. Work Assignment

CARE-TAKER

7. Housing Assignment

BARTU #63 CELL

8. Subject: State your request completely but briefly. Give details. DR. ROGERS MAY I PLEASE REQUEST FOR THE (CCS) RULES AND THE FORMULARY LIST OF AVAILABLE DRUGS FOR TREATING HEP-C? ALSO MAY I ASK YOU WHAT IS MY FIBROSIS SCORE IF I HAVE (F-1) APR1 SCORE, AND BECAUSE THERE'S NO MEDICAL REASON FOR REFUSING THE HEP-C CARE I REQUEST THAT THIS BE REMEDIATED. FAILURE TO DO SO WOULD BE DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED. PLEASE TELL ME AS TO IF THE DAADS COST \$94,000 OR 160,000 DOLLARS? AND AS TO IF THIS DRUG IS TOO COSTLY TO TREAT ONE (1) INMATE WHO IS SOON TO BE RELEASED, SUCH AS MYSELF? PLEASE REPLY BACK AS A COPY OF THIS SAME HAS BEEN FORWARDED TO THE COURT JUDGES CHAMBERS OF RICHARD P. CONABOY

9. Response: (This Section for Staff Response Only)

The protocol and formulary I am told is on the DOC public website and can easily be found with a simple search. You have been seen in HCV clinic and by myself with requested information given. Please refer back to those visits.

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Courtney Rodgers, DO

Staff Member Name

Print

Date

12/12/17

Revised July 2000

CC: HON. RICHARD P. CONABOY, JUDGE  
HUMAN RIGHTS COALITION  
ATTY'S BRET D. GROTE, ESQ. / PLN-ATTY'S  
WINER/NEWS / U.S. DEPT. OF JUSTICE

E

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Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS	
CHRONIC CARE MEDICAL DOCTOR		Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) S. KAUNUM CRNP		2. Date: DECEMBER 8 <sup>th</sup> , 2017	
3. By: (Print Inmate Name and Number) IRVING MURRAY #KP3561		4. Counselor's Name MR. MARTIND	
Inmate Signature <i>Irving Murray</i>		5. Unit Manager's Name MS. J. CAREY	
6. Work Assignment GLP		7. Housing Assignment BA- RTU cell #63	
8. Subject: State your request completely but briefly. Give details. Dr. S. KAUNUM I AM			
DISTURBING YOU BECAUSE I AM UNABLE TO TAKE MY			
SEIZURE MEDS EARLY IN THE MORNING SO THEREFORE			
I REQUEST THAT YOU PLEASE SWITCH EVERYTHING TO			
AT NIGHT 8 PM MEDS IT'S VERY HARD FOR ME TO			
GET UP IN THE MORNINGS AND TRAVEL IN THE COLD			
WEATHER EARLY IN THE MORNING PLEASE CHANGE			
MY MEDICATION DOSAGES TO ALL AT NIGHT			
THANK YOU VERY MUCH			
RESPECTFULLY SUBMITTED			
9. Response: (This Section for Staff Response Only)			
Phenobarbital needs levels maintained, Phenobarb			
need to be administered twice daily			
if you need sign up will call to discuss			
Med Issue per Dr. Kaunum			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

Kim Murray

Print

Date

12-11-17

Sign

CC: U.S. DIST COURT JUDGE CONABOY



DREXEL UNIVERSITY

Thomas R. Kline  
School of Law

Community Lawyering Clinic

To: Irving Murray

Date: September 26, 2017

Dear Mr. Murray,

Thank you for reaching out to us and I am sorry to hear about your struggles with Hepatitis C. With this letter, I have included the following requested documents:

- 3 copies of the 2017 Prison Legal News article entitled "Pennsylvania DOC Ordered to Evaluate Abu Jamal for Hep C Treatment"
- A copy of the case "Abu-Jamal v. Wetzel"
- A copy of Prison Medical Services Program §93.12

The Pennsylvania Institutional Law Project is working on a class action to try and compel the Department of Corrections to provide a new drug treatment to prisoners with Hepatitis C. I have also included a FiveThirtyEight article about this issue. If you are interested in getting involved in this case, please contact the managing attorney, Su Ming Yea, at the following address:

PA Institutional Law Project  
The Case Iron Building  
718 Arch Street, Suite 304 South  
Philadelphia, PA 19106

You can also reach the Institutional Law Project at 215-925-2966.

I hope this information is helpful to you. Please feel free to reach out if you have any questions or concerns.

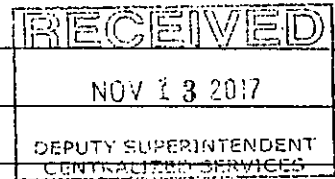
Best,

Alice Thornewill

Rachel Lopez, Esq.



DATED: NOVEMBER 14<sup>th</sup> 2017,



RICHARD P. CONABOY, JD.  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF PENNA.  
WILLIAM J. NEALON FED. COURTHOUSE  
235 N. WASHINGTON AVENUE  
POST OFFICE BOX 1148  
SCRANTON, PA. 18501-1148

RE: CIVIL ACTION MURRAY V. Wetzels, et al,  
No: 3:17-CV-0491/Retaliatory conduct  
Against Plaintiff Etc. Denial Mental  
Health programming AND Legal personal property  
HARASSING cell searched confiscations

Dear your honorable Conaboy:

Just to give this court an update  
in re: motivated retaliation, defendants and  
their agents of the intelligence security office  
namely LT. Bachert, unit manager J. Carey,  
Captain Powell, Deputy Supt. B. Mason,  
Lt. WALL, CO. III, and many others acting in  
concert with them has been moving from  
unit to unit setting me up in cell situations  
with potential violent inmates whereas  
on November 9, 2017 I was assaulted by my  
cellmate, when I was taken to medical I was  
then threatened by Lt. Newberry CO. 3, whereas  
he made a statement about transferring me to  
SCT Frackville because I like to file suits  
further, I was placed in confinement for reporting  
a physical attack upon my persons, in other words I  
was harmed and for reporting the attack

(1-OF-2)

→ Section 11

I was punished and placed in the  
 DTU/RTU cell # 21 on A/C status  
 And charged see Form DC-141  
 (B-965061) And security refuses to  
 talk to me to tell me how these  
 charges and confinement came about.  
 I know that prisoners who speak out  
 about abuse at SCI-Mahoney usually  
 face backlash from administrative staff  
 especially myself cause I have pending  
 litigation against the prison Administration  
 and the medical dept. So I'm  
 subject to dangers immediate dangers, the  
 Security Lt. WAI Cio.3, moved me off of the  
 RTU a couple weeks again placing me on a  
 general population unit not specifying why  
 he moved me from treatment and put me  
 in the line of danger, unit manager  
 Ms. Jessica Carey stated to me on Wed Nov 8<sup>th</sup>  
 2017, that she and her CO-workers is not a fan  
 of my Lawsuit so for that reason I will  
 not get a job. I am providing defendant  
 Deputy Mason with 2 copy, And I will ask  
 her to release me back to RTU on AA or BA  
 and keep me separated: from: Johnson my old  
 cellmate Richardson, Williams, on BA, Stevie Boyd,  
 on B/A and inmates on: BB and AB unit  
 and DA units I, J units, I'd like to be  
 transferred back to SCI-Albion or Somerset  
 or SCI-Rockview where I will be safer  
 until trial starts, Defendants has mixed  
 all of my legal property and personal property  
 with my ex-cellmate who assaulted me and he refuse  
 to give me back my property. And they refuse to give me my  
 legal property.

Form DC-135A  <b>INMATE'S REQUEST TO STAFF MEMBER MAIL ROOM SUPERVISOR</b>	Commonwealth of Pennsylvania Department of Corrections  <b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <b>MS. F. WALTER</b>	2. Date: <b>FRIDAY DEC 1, 2017</b>
3. By: (Print Inmate Name and Number) <del>FRANK MURRAY #KIP 35612</del> <b>Shung Murray</b> Inmate Signature	4. Counselor's Name <b>MR. C. DISKY</b>  5. Unit Manager's Name <b>MR. CARROLL</b>
6. Work Assignment <b>GLP</b>	7. Housing Assignment <del>CELL #18</del> <b>CELL #18</b>
8. Subject: State your request completely but briefly. Give details. <b>ON NOV. 27, 2017</b> I received mail legal mail returned to me cut opened when this mail never left the institution This means my outgoing mail has been tampered with I have a right to my legal mail being opened in my presence The letter was clearly marked legal and addressed to attorney for the medical dept. See, case Fontroy v. Beard 485 F. Supp. 2d 592 593 (E.D. PA. 2007) The mail was Addressed to Samuel H. Foreman In re: civil Action 3:17-cv-0491 The mail never left the institution but was returned to me opened outside of my presence. Please do not provide me any exaggerated responses please address this problem	
9. Response: (This Section for Staff Response Only) For security reasons - anything going inside whether it left the institution or not is opened - you did not provide any proof showing the mailroom opened it - was it stamped with an inspector # ??	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

**F. Walter**  
 Print

Sign

**F. Walter**

Date

**12-1-17**

EXHIBIT I

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS	
DEPUTY SUPERINTENDANT CENTRALIZE SERVICES (DSCS)		Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) MS. B. MASON		2. Date: THURSDAY NOVEMBER 16 <sup>th</sup> , 2017	
3. By: (Print Inmate Name and Number) IRVING MURRAY #KP356		4. Counselor's Name	
Inmate Signature <i>Irving Murray</i>		5. Unit Manager's Name MS. CAREY	
6. Work Assignment N/A		7. Housing Assignment H/D / DTU CELL #2	
8. Subject: State your request completely but briefly. Give details. DEPUTY MASON MAY I PLEASE BE CONSIDERED FOR A TRANSFER AFTER THE INVESTIGATION IS COMPLETE I AM STILL CONFUSED AS TO WHY I AM BEING INVESTIGATED FOR REPORTING AN ASSAULT UPON ME I FOLLOWED FACILITY POLICY AND REPORTED THE ABUSE AND IT GOT ME IN LOCKUP AS STATUS AND MAYBE A MIS CONDUCT FOR REPORTING SUCH, I'M DUE TO POSSIBLY BE RELEASED ON IMMEDIATE AUTOMATIC REPAROLE SOON AND OR MY MAX NEXT YEAR IF AND WHEN I AM RELEASED FROM THE ROLL I'D LIKE TO GO BACK TO BA, OR BB, OR AA WHICH EVER BLOCK IS SAFER FOR ME I HAVE NO PROBLEMS WITH NONE OF THE OFFICERS OR WHIT STAFFS OF THIS FACILITY IT JUST A HAND FULL OF INMATES +			
9. Response: (This Section for Staff Response Only) DISLIKE AND DO NOT GET ALONG			
We can discuss at PRC			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign

Revised July 2000

CC: Hon. JUDGE RICHARD P. CONABUY  
HUMAN RIGHTS COALITION  
U.S. DEPT. OF JUSTICE

Form DC-135A (SCI-MAL) <b>INMATE'S REQUEST TO STAFF MEMBER</b> <b>DEPUTY SUPERINTENDANT</b> <b>CENTRAL SERVICES</b> <b>(DSCS)</b>		Commonwealth of Pennsylvania Department of Corrections  <b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <b>MS. B. MASON</b>		2. Date: <b>TUESDAY</b> <b>NOVEMBER 14TH, 2017</b>	
3. By: (Print Inmate Name and Number) <b>IRVING MURRAY # KP3561</b> <i>Irving Murray</i> Inmate Signature		4. Counselor's Name  	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>           NOV 15 2017          DEPUTY SUPERINTENDENT          CENTRALIZED SERVICES       </div>
6. Work Assignment <b>N/A</b>		5. Unit Manager's Name <b>MR. CARROLL</b>	
7. Housing Assignment <b>H-D 21-CELL</b>		8. Subject: State your request completely but briefly. Give details. <b>Deputy mason</b> <b>If I'm gonna Be Back here confined to the</b> <b>DTU/RHU under INVESTIGATION FOR REPORTING</b> <b>AN ASSAULT upon my persons, MAY I "Please"</b> <b>Request to have all et seq. of my legal</b> <b>property so I can meet any Discovery</b> <b>motions Deadlines and make sure I draft</b> <b>up copies by hand for all Defendants in Re:</b>  <b>Murray v. Wetzel, et al.</b> <b>Civil Action No: 3:17-cv-0491</b>	
9. Response: (This Section for Staff Response Only)  <div style="font-size: 1.5em; text-align: center;">             Write to the RHU Lt.              about getting your legal work           </div>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_

Print

Sign

Date

*B. Mason* 11/20/17

Form DC-135A	Commonwealth of Pennsylvania Department of Corrections
<b>INMATE'S REQUEST TO STAFF MEMBER SUPERINTENDANT'S ASSISTANT OFFICE</b>	<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) MS. JANE HINMAN	2. Date: <u>MONDAY</u> <u>NOVEMBER 27, 2017</u>
3. By: (Print Inmate Name and Number) <u>INTERVENING MURRAY #1KP3561</u> <u>shwing murray</u> Inmate Signature	4. Counselor's Name CARO DISICY
5. Unit Manager's Name MS. J. CARREY	6. Work Assignment MISC / GLP
7. Housing Assignment DET-DTU CELL # <u>24</u>	8. Subject: State your request completely but briefly. Give details. MS. HINMAN I AM WRITING YOU TO REMIND YOU AS TO IF YOU CAN ASK DEPUTY MASON AS TO IF I WILL BE GETTING TRANSFERRED AFTER THE INVESTIGATION AND IF I CAN BE PLACED ON A/C STATUS SO THAT I CAN GO TO COMMISSARY BEFORE I AM TRANSFERRED AC-STATUS WHEREAS I CAN ORDER FOOD ITEMS WHILE BACK HERE OR WITH I BE RELEASED BACK INTO GENERAL POPULATION RTU STATUS ON AA OR BA UNIT? BECAUSE SECURITY HAS NOT AS OF YET CAME TO SEE ME ABOUT THE INVESTIGATION IT'S BEEN (19) DAYS THAT I'VE BEEN SITTING BACK HERE AND HAVE NOT RECEIVE A NOTICE OF EXTENSION OF TIME AS OF YET. PLEASE RESPOND BACK THANK YOU VERY MUCH
9. Response: (This Section for Staff Response Only) I will send this to Deputy Mason for you.	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_

cc: U.S. MIDD. DIST. COURT JUDGE

Revised July 2000

WINEP-NEWS / HRC  
ATTY BRET D. GROTE, ESQ.

cc: Deputy Mason

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

IRVING MURRAY,  
(PLAINTIFF).

CIVIL NO. 03:17-CV-491  
JURY TRIAL DEMANDED

v.

(JUDGE CONABOY)

JOHN E. WETZEL, et al.,  
(DEFENDANTS)

FILED: 12/25/2017

151 Irving Murray

CERTIFICATE OF SERVICE

I, Irving Murray, hereby certify that I am this 25<sup>th</sup> day of December 2017, depositing in the U.S. Mail a true and correct copy of this foregoing MOTION FOR IMMEDIATE COURT'S INVOLVEMENT DUE TO MEDICAL AND THEIR AGENTS / DEFENDANTS ACTING IN CONCERT UPON BOTH U.S. DISTRICT CLERK OF COURT PETER J. WELSH, ESQ. MIDDLE DIST. COURT 235 NORTH WASHINGTON AVENUE, P.O. BOX 1148, SCRANTON, PA 18501-1148 AND UPON VINCENT R. MAZESKI, ESQ. ASSISTANT COUNSEL I.D. NO. PA. 73795 OFFICE OF CHIEF COUNSEL 1920 TECHNOLOGY PARKWAY MECHANICSBURG, PA. 17050, (717) 728-7763 11 page MOTION And thus satisfies the service requirements under Fed. R. Civ. P. 5(b)(2)(E); L.R. 5.7. Irving Murray declares under penalty of perjury pursuant to 28 U.S.C. § that he has mail to both U.S. Clerk of Courts Peter J. Welsh, and chief counsel Vincent R. Mazeski, Esq. by placing the same in an envelope and placing it in the BA unit R.T.U. outgoing mail Box with DC-13BA CASH SLIPS AS Legal-Mail.

151 Irving Murray  
IRVING MURRAY # KP3561  
(PRO-SE) 301-MOREA ROAD  
FRACKVILLE, PA. 17932-0001

DATED: December, 25<sup>th</sup> 2017

12-25-2017.

-11-



APRIL 16 MURRAY #K P-3561  
301- MORDA ROAD  
FRACKVILLE, PA 17932

MOTION /cancel

LEGAL MAIL

RECEIVED  
SCRANTON

DEC 26 2017

PER *[Signature]*  
DEPUTY CLERK

INMATE MAIL  
PA DEPT OF  
CORRECTIONS

Hasler

12/22/2017  
US POSTAGE



PETER J. WIELS M. ESQ.  
OFFICE OF THE CLERK OF COURTS  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
WILLIAM J. NEALON US & FED  
235 NORTH WASHINGTON  
POST OFFICE BOX-1148  
SCRANTON, PA 18501-1148